ROLL CALL was answered by Councilmembers Barry, Bassett, Carlson, Lillquist, Niner, Perrie and Mayor O’Brien.

Others present were City Attorney Pidduck; City Clerk Reno; Executive Assistant Gigstead; Associate Planner Eyerly; Police Chief Miller; Police Officers Ng and Clayton, Sergeants Willis and McElroy, and Corporals Bland and Jones; Public Works Director Akers; and approximately 17 members of the audience.

**Awards and Recognitions**

Police Chief Miller read a letter of recognition for Police Officer Nelson Ng.

**Agenda Approval**

Motion to amend the agenda to remove Item 5.E – approve Canterberry Estates Plat Carlson from the Consent Agenda. Affirmed

Motion to approve agenda as amended. Carlson

Affirmed

**Consent Agenda**

Items listed under the Consent Agenda were distributed to Councilmembers in advance for study and were enacted by one motion with separate discussion to the extent any items were removed from the Consent Agenda at the request of a Councilmember.

Motion to approve the Consent Agenda as follows: Carlson

A. Approve Minutes – September 4, 2007, Regular Session

B. Acknowledge Minutes of Boards and Commissions

(1) Board of Adjustment – August 16, 2007

(2) Downtown Task Force – July 12, 2007

C. Approve University Way Banner Request for International Education Week from
November 13-16, 2007

D. Approve University Way Banner Request for United Way Fund Drive from October 22-29, 2007

E. Authorize the Mayor to Sign Amendment #5 to the Studio Cascade Contract for Transportation Planning

F. Approve September 17, 2007 Voucher Listing Claims Fund Voucher Numbers 84658Through 84862 and 84987 in the Total Amount of $997,624.02; Payroll Fund Check Numbers 71047 Through 71179 in the Total Amount of $158,330.24; Direct Deposit in the Amount of $121,436.05; and Electronic Fund Transfer of $6,282.50.

Affirmed

Boards and Commissions Appointments

The applicants will be introduced at the next meeting.

Continued Public Hearing – Proposed Ordinance – Vacation of Third Avenue between Railroad Avenue and BNSF Railway

Mayor O’Brien opened the public hearing for the proposed ordinance for vacation of Third Avenue between Railroad Avenue and BNSF Railway.

Public Works Director Akers summarized the agenda report.

Chris Schambacher handed out and discussed a “Sanborn Map” dated 1948. He also discussed the materials he handed out at the August 20, 2007 meeting.

Fran (last name unknown), 804 W. 4th, spoke about the bridge over the creek that pedestrians used in the past to get to town, which is now gone, and the need for a safe crossing. She requested that Council not vacate the street.

Erin Condit, West Ellensburg, provided handouts to the Council titled “United States District Court Western District of Washington at Seattle”; and “Seattle Post-Intelligencer – Tribes Win Ruling on Salmon” and discussed the handouts. She asked the Council to not vacate the street.

Colin Condit, 215 East 9th, discussed industrial development in West Ellensburg and water and flooding issues.

Dan Clifton, 320 N. Railroad, property owner to the north of the proposed vacated Third Avenue, stated he has cleaned up around the creek and wants to secure the area for safety of the property. He
has no intentions of building on the proposed vacated street.

Chris Schambacher spoke again.

Erin Condit asked when the City discovered that the property was not Mr. Voshall’s property.

City Attorney Pidduck responded to the question. He previously briefed Council on the matter at the August 20, 2007 meeting. The City discovered about two years ago when Mr. Voshall applied for a building permit that the street had never been vacated.

Ken Voshall, owns lot at 214 Railroad, stated he purchased the lot for $40,000 and then two and a half years ago he found out that he did not own the property when he applied for a building permit.

Fran (last name unknown) spoke again about landscaping on Railroad Avenue.

Terry Martin, 109 N. Dennis, questioned how Mr. Voshall bought property that he thought he owned and now he does not own it and if he has title insurance that guarantees he owns the property.

City Attorney Pidduck discussed the court case that was handed out by Erin Condit tonight.

Chris Schambacher, Erin Condit, and Ken Voshall spoke again.

Council asked questions of the applicants, staff, and audience members.

There being no further testimony, Mayor O’Brien closed the public hearing.

**Motion to read for the first time, Ordinance No. 4492.** Carlson

An Ordinance vacating a street located in the northwest quarter of Section 2, Township 17 North, Range 18 East, W.M., vacation being located in the City of Ellensburg, County of Kittitas, State of Washington.

Barry (yes)
Bassett (no)
Carlson (yes)
Lillquist (yes)
Niner (no)
Perrie (yes)
O’Brien (yes)

Motion approved.
**Public Hearing – Proposed Resolution – Declaration of Surplus Property**

Mayor O’Brien opened the public hearing for the declaration of surplus property.

Public Works Director Akers summarized the agenda report.

There being no further testimony, Mayor O’Brien closed the public hearing.

**Motion to adopt Resolution No. 2007-34.** Carlson

Affirmed

**Public Hearing – Proposed Ordinance – Taylor Annexation – North Water Street and West Helena Avenue**

Mayor O’Brien opened the public hearing for the Taylor Annexation at North Water Street and West Helena Avenue.

Associate Planner Eyerly summarized the agenda report.

A letter was received today from James T. Denison, Jr., Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P., representing Mark and Anne Berry, as well as Thomas Mano, Guardian of the Estate of Elizabeth R. Mano. The comment was submitted, not in opposition to the proposed annexation, but simply to clarify parcel ownership in the annexation property.

Kyle O’Mally, representing Mark and Anne Berry and another property owner, stated he wanted to be sure that the letter from James T. Denison, Jr. was received by the Council which addresses a quiet title action.

Allen Arnica, 312 W. Helena, voiced concerns about water issues and how the proposed annexation would affect him financially.

Bill Amo, 1900 N. Water, stated he is in favor of the annexation but is concerned with density. The City Council responded that the proposed zoning is Residential Suburban which is the lowest density.

There being no further testimony, Mayor O’Brien closed the public hearing.

**Motion to read for the first time, Ordinance No. 4493.** Carlson

An ordinance annexing certain territory to the City of Ellensburg, Washington, and assigning Residential Suburban zoning classification. Affirmed

**Downtown Crime Prevention Report**

The Police Department is seeking Council approval to conduct a downtown crime prevention test
The test project would involve the use of four portable light stands in the downtown core. This lighting project would occur over the course of four nights, the duration of each night being approximately one hour. The total cost of this test project will not exceed $1,800 and will be covered by the 2007 Police Department Budget. The results of the test project would be reported back to Council.

Motion to authorize the Chief of Police to expend up to $1,800 for this crime prevention O'Brien test project. Affirmed

Manager’s Report

Request to Set Public Hearing

Motion to set a public hearing on October 1, 2007 for the 2008 revenues and department Carlson expenditure requests. Affirmed

2008 Budget Process Schedule

Motion to move the October 19, 2007 special meeting to October 26, 2007 at 8:00 a.m. Carlson

Affirmed

Regional Retail Regulations

Motion to set a special meeting on September 19, 2007 at 7:00 p.m. to discuss regional retail Carlson regulations. Affirmed

Councilmembers’ Reports

Councilmember Lillquist requested a joint meeting with the Kittitas County Commissioners to discuss the interlocal agreement that would establish development standards for the Urban Growth Area. The Council agreed to have staff contact the County to set a meeting.

Councilmember Lillquist updated Council on the Animal Control Committee. Also, she is soliciting volunteers for the Non-Motorized Transportation Committee.

Councilmember Niner discussed her concerns regarding development regulations and the need for a mitigation package and would like to talk about impact fees, extending the CC-II Zone South of Mt. View Avenue, and also the complications that property owners have with the development regulations in the downtown. She will meet with staff to discuss a timeline to address these issues.

RECESS
Council recessed to executive session at 9:58 p.m. to discuss labor negotiations for approximately 15 minutes. Council did not expect to reconvene to take action.

The executive session (closed meeting to discuss labor negotiations) commenced at 10:01 p.m.

At 10:16 p.m., Council extended the executive session for two minutes.

Council returned to the regular open meeting at 10:18 p.m.

**ADJOURN** Adjourn at 10:19 p.m. Barry

Affirmed

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Mayor

ATTEST: ______________________

City Clerk